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**Report to the Assembly of States Parties concerning consultants**

1. This report is submitted pursuant to paragraph 119 of the report of the Committee on Budget and Finance on its third session, dated 13 August 2004 (ICC-ASP/3/18), in which the Committee requests the Court to submit a report to the third session of the Assembly of States Parties on its use of consultants, the procedures by which consultancy services were obtained, and the nationality of consultants employed by the Court.
2. The Court uses consultants for the purpose of receiving advice and assistance in areas that require specific expertise not found within the Court, and for a limited period of time. This includes tasks that are peculiar to the set-up phase of the Court and therefore do not require a permanent capacity among the Court's staff. Examples are advice on the drafting of regulations in various fields, such as the Regulations of the Court and the Staff Regulations and Rules, or advice on the best way of organizing structures and procedures and on the development of strategies for specific subjects such as communication and outreach.
3. In the initial phase of its operations the Court also, exceptionally, used consultants to perform functions pertaining to certain vital positions within the Court pending the recruitment of staff. This exceptional practice was due to the fact that the functions in question needed to be exercised immediately, while recruitment for the position required more time given the goal of finding the most qualified candidate in compliance with resolution ICC-ASP/1/Res. 10 adopted by the Assembly of States Parties on 9 September 2002. As the Court proceeds with the recruitment of its staff, this practice will eventually cease.
4. The procedures for obtaining consultancy services were designed with a view to meeting the following three key exigencies: highest professional qualification, optimal cost-efficiency, availability at the required time. The aim was to get the best available service for the most economical price at the exact moment when the Court needed it – which was often immediately. To achieve this aim, a considerable measure of flexibility was required. Whenever possible, consultants were selected on a competitive basis. But there was often only one candidate who fulfilled all requirements, especially with respect to cost-efficiency and availability. In most cases the remuneration corresponded to the gross salary applicable under the United Nations common system of salaries, allowances and benefits to positions equivalent to that of the consultant in terms of the task to be performed and the qualifications required.
5. From the beginning of its operations in 2002 until August 2004, the Court has used the services of a total of 39 individuals as consultants. These 39 individuals come from the following 16 countries: Argentina, Australia, Austria, Belgium, Canada, Colombia, France, Germany, Hungary, Netherlands, Nigeria, Spain, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America.